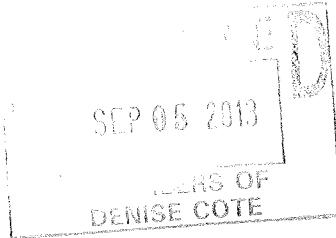


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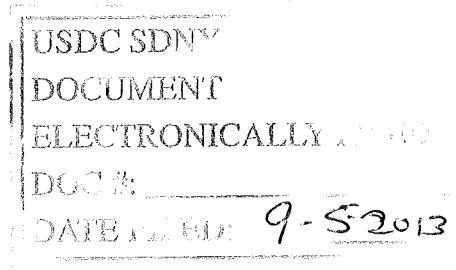
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September 4, 2013



VIA ECF

The Honorable Denise L. Cote
United States District Judge
United States District Court for the Southern District of New York
500 Pearl Street, Room 1610
New York, New York 10007-1312

MEMO ENDORSED

Re: Texas v. Penguin Group (USA) Inc., 12 Civ. 3394 (DLC); In re Electronic Books Antitrust Litig., 11 MD 2293 (DLC)

Dear Judge Cote:

On behalf of Apple, we respectfully submit this letter to request that the Court move the telephonic hearing presently scheduled for Friday, September 6 at 3:30 p.m. to Monday, September 9 at 3:30 p.m. We also request that the Court permit Apple to submit any letter regarding the proper scope of discovery by Friday, September 6 at noon rather than by Thursday, September 5 at noon. I am observing Rosh Hashanah, which begins tonight and ends Friday night.

We have conferred with each of counsel for the States and counsel for the putative class, and they have kindly indicated that they do not oppose this request.

We thank the Court for its consideration and appreciate in advance any accommodation the Court can provide.

Respectfully submitted,

Orin Snyder /cd

Orin Snyder

Granted.
Denise Cote
9/5/13

cc: All Counsel